

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL NO. 3:15-CV-00226

HANNAH WILKERSON,)	
)	
Plaintiff,)	
)	
vs.)	<u>CERTIFICATION AND REPORT OF</u>
)	<u>F.R.C.P. 26(f) CONFERENCE</u>
BOSTON SCIENTIFIC CORP.,)	<u>AND DISCOVERY PLAN</u>
)	
Defendant.)	
_____)	

Please fill in or check the appropriate blanks (print legibly) to certify completion of the Rule 26(f) Attorney's Conference and provide the required information to the Court. Where the parties were unable to agree on a specific provision or item, please so note and attach any necessary explanation. Please note that this information will be used as a guideline by the judge conducting the Initial Pretrial Conference or issuing the Initial Pretrial Order.

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on **May 29, 2015** [] at _____ (place) or [X] by telephone and was conducted by the undersigned counsel for the designated parties in the above-captioned case.

2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) (check one) [X] has been exchanged [] will be exchanged by _____ (date).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

All discovery has been completed.

a) All discovery shall be commenced in time to be completed by _____ (date).

[if needed] Discovery on

(*identify any issues requiring early discovery*) will be completed by
_____ (*date*).

b) Discovery Limits:

- 1) Maximum of _____ (*ordinarily 20*) interrogatories by each party to any other party.
- 2) Maximum of _____ (*ordinarily 20*) requests for admission by each party to any other party.
- 3) Maximum of _____ depositions by plaintiff(s) and _____ by defendant(s) (*ordinarily 6 each*) [or _____ by each plaintiff and _____ by each defendant].

c) Reports from retained experts under Rule 26(a)(2) will be due:

-from plaintiff(s) by _____ (*date*)

-from defendant(s) by _____ (*date*)

Supplementations under Rule 26(e) due _____ (*list time(s) or interval(s)*)

4. Other Items. [*Attach separate paragraphs as necessary if parties disagree.*]

a) The parties [☒] request [☐] do not request a conference with the court
before entry of the scheduling order.

b) All potentially dispositive motions should be filed by –
Dispositive motions have been filed and ruled upon in the MDL.

c) Settlement:

[☐] is likely

[☐] is unlikely

[☒] cannot be evaluated prior to **the scheduling conference.**

[☐] may be enhanced by use of the following ADR procedure:

[☒] The parties have agreed to a Mediated Settlement Conference

[☐] binding arbitration

[☐] judicial settlement conference

[☐] other

The parties agree that the above selected ADR procedure would be most useful if conducted:

- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;
- ☐ after an initial round of preliminary discovery to be completed by _____ (date);
- ☐ after the completion of discovery;
- ☐ after resolution of summary judgment motions, if any
- ☐ not applicable.

- d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:
from plaintiff(s) by – **To be discussed at status conference with Court.**
from defendant(s) by – **To be discussed at status conference with Court.**
- e) If the case is ultimately tried, trial is expected to take approximately **5 days - per defense; 8 days - per plaintiff.**
- f) ☒ The parties have discussed the issue of consent to the jurisdiction of a U.S. magistrate judge.

5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts)

/s/Chris Cantrell, Attorney for Plaintiff, 6/1/2015

/s/Leslie Packer, Attorney for Defendant Boston Scientific Corp., 6/1/2015

/s/Jon Strongman, Attorney for Defendant Boston Scientific Corp., 6/1/2015

(attach additional sheets if necessary)